

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3:07 pm, Jun 21, 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

GUSTAVIA HOME, LLC,

Plaintiff,
-against-

ADOPTION ORDER
16-cv-2099 (ADS)(SIL)

CANDIDA SAAGBER *a/k/a* Candida M.
Saagber, COUNTY OF NASSAU
c/o Office of Housing and Intergovernmental
Affairs, JOHN DOE 1 THROUGH 12
said persons or parties having or claimed to
have a right, title or interest in the mortgaged
premises herein, their respective names are
presently unknown to Plaintiff,

Defendant(s).

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APPEARANCES:

The Margolin & Weinreb Law Group, LLP
Attorneys for the Plaintiff
165 Eileen Way, Suite 101
Syosset, NY 11791

By: Alan H Weinreb, Esq.
Randy J. Schaefer, Esq., Of Counsel

NO APPEARANCES:

Candida Saagber, County of Nassau
The Defendants

SPATT, District Judge.

On April 28, 2016, the Plaintiff Gustavia Home, LLC (the “Plaintiff”) commenced this foreclosure action against the Defendants Candida Saagber (the “Defendant Saagber”), County of Nassau (the “Defendant Nassau”), and John Does 1 through 12.

On August 15, 2016, the Clerk of the Court noted the default of the Defendants Saagber and Nassau.

On November 15, 2016, the Plaintiff moved for a default judgment against the Defendants.

On November 16, 2016, the Court referred the Plaintiff's motion to United States Magistrate Judge Steven I. Locke for a recommendation as to whether the default judgment should be granted and, if so, whether damages should be awarded.

On June 2, 2017, Judge Locke issued a report (the "R&R") recommending that the Plaintiffs be awarded a total of \$124,959.07, per diem pre-judgment interest in the amount of \$18.16 per day until judgment is entered, post-judgment interest pursuant to 28 U.S.C. § 1961(a), and that Plaintiff be granted leave to renew its application for late fees. The R&R further recommended that the Court enter an order for judgment of foreclosure and sale; that a referee be appointed to effectuate the sale; and that the caption be amended to remove John Does 1 through 12. The Plaintiff filed proof of service on June 2, 2017.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Plaintiff is directed to file an amended proposed judgment of foreclosure and sale consistent with the R&R, and to choose a referee for the foreclosure and sale.

SO ORDERED.

Dated: Central Islip, New York

June 21, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge